

Appln. No. 10/817,243

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Attorney Docket No. 10543-072

APR 26 2007**II. Remarks**

In response to the Office Action mailed January 26, 2007 kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicants request reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 1, 13 and 14 have been amended. Thus claims 1-20 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

ALLOWABLE SUBJECT MATTER

The Applicants would like to thank the Examiner for the indication of allowable subject matter. In particular, page 3 of the Office Action states that claims 15-20 are allowed, and claims 2-7, 11, 13 and 14 are allowable if rewritten into independent form. At this time, Applicants have not amended these dependent claims into independent format, as the Independent claims from which they depend are believed to be in condition for allowance. Favorable consideration of all the claims is respectfully requested.

CLAIM OBJECTIONS

Claims 13 and 14 stand objected to based on their dependency. The Applicants gratefully acknowledge the Examiner's treatment of the claims for purposes of examination. Claims 13 and 14 have been amended to correct the typographical error

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with regard to claim dependency, and now depend upon claim 12. Favorable reconsideration is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC §102

Claims 1, 8-10 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Brown reference (U.S. Patent No. 6,338,012).

With regard to claim 1, the claim recites a method for protecting against rollover wherein a rollover tendency is determined based on the change rate of the steering angle relative to the lateral acceleration in vehicle speed. The Office Action asserts on page 2 that the Brown reference teaches determining a rollover tendency (by way of items 34/37) of the vehicle based on the lateral acceleration, vehicle speed, and detected/determined change rate of the steering angle, citing to col. 3, lines 25-48.

The cited portion of the Brown reference begins by indicating that the roll rate sensor 34 and pitch rate sensor 37 may be replaced with a number of other vehicle measurements or combinations of measurements. The Brown reference then goes on to suggest such replacement sensors include proximity sensors for sensing the height of one or more points on the vehicle relative to the road, linear height, rotary height or travel sensors for sensing the relative displacement of suspension chassis components, etc. No reference is made to the steering angle or its change rate.

Accordingly, the Brown reference does not contemplate measuring, estimating or inferring the roll and pitch condition of the vehicle based on a change rate of the steering angle. As per MPEP § 2131 and 35 U.S.C. §102, each and every limitation be disclosed. The Brown reference simply fails to disclose determining a rollover tendency of the vehicle based on the change rate of the steering angle relative to the

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lateral acceleration and vehicle speed.

For at least these reasons, favorable reconsideration of independent claim 1, as well as its dependent claims, is respectfully requested.

With regard to claim 12, the claim recites detecting a change rate of the steering angle and determining a critical change rate corresponding to the vehicle's current speed and current lateral acceleration. The critical change rate is compared to the detected change rate of the steering angle to determine a rollover tendency.

The Office Action, on pages 2 and 3, states that the Brown reference discloses comparing the critical change rate to the detected change rate of the steering angle to determine a rollover tendency, citing to col. 1, lines 20-34.

The cited portion of the Brown reference is found in the Background section of the Brown specification. This section provides a simple discussion of yaw control systems which merely compare the desired direction of the vehicle (based on the steering wheel angle) and the direction of travel. However, the change rate of the steering angle is nowhere discussed. Given that the change rate of the steering angle is not discussed, it cannot be seen how the cited portion of the Brown reference discloses any of the claimed elements including detecting a change rate of the steering angle, determining a critical change rate corresponding to the vehicle's current speed and lateral acceleration, or comparing the critical change rate to the detected change rate of the steering angle. Similarly, and as noted above, the cited portions of col. 3 nowhere discuss the change rate of the steering angle or a critical change rate. The Summary of the Invention portion of Brown specification does not lend any support.

For all these reasons, it is submitted that the Brown reference fails to disclose each and every limitation of independent claim 12. Favorable reconsideration of

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independent claim 12 is respectfully requested.

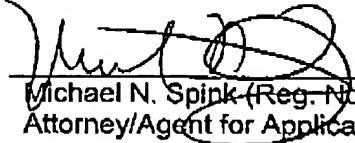
CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Respectfully submitted,

April 26, 2007

Date


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